

**Juvenile Justice Commission
County of Santa Clara**

840 Guadalupe Parkway
San Jose, California 95110
408-278-5993 Fax 408-294-6879



Santa Clara County Juvenile Commission
Inspection Report

Temporary Detention of Minors in Law Enforcement Facilities (LEF)
For the Year of 2012

I. Introduction

The Santa Clara County Juvenile Justice Commission (JJC) is required pursuant to Section 229 of California's Welfare and Code (WIC) to inspect any jail or lock-up facility within the County which in the preceding calendar year was used for confinement of any minor for more than 24 hours. Specifically, WIC 209(b) requires a judge of the Judge Court or a delegated member of the JJC to inspect each law enforcement facility that contain a lockup for adults, which in the preceding calendar year, was used for the secure detention of any minor. In a letter from the Board of State and Community Corrections (BSCC) dated July 16, 2013 and addressed to the Presiding Juvenile Court Judge and the Juvenile Justice Commission Chair, the BSCC detailed inspection requirements pursuant to WIC Section 209.

The Juvenile Court in Santa Clara County has adopted Rule 1(O) of the Local Juvenile Rules of Court. Rule 1(O) delegates responsibility to the Juvenile Justice Commission for the annual inspection of all law enforcement facilities in Santa Clara County which contain a lockup for adults which, in the preceding year, was used for the secure and non-secure detention of any minor. The rule further provides that the results of each inspection shall be presented in writing to the Presiding Judge of the Juvenile Court or the Supervising Judge of the Juvenile Justice Court during the calendar year.

According to the Board of State and Community Corrections, the following law enforcement facilities in Santa Clara County held minors in secure detention for the calendar year 2012:

Juveniles Held in Detention 2012: SCO LEF's

Agency	Secured Detention
Campbell PD	11
Gilroy PD	6
Los Altos PD	1
Morgan Hill PD	9
Mountain View PD	2
Palo Alto PD	10
Santa Clara PD	17
San Jose State Univ. PD	1
TOTAL	57

The Juvenile Justice Commission found online the “Inspection Handbook for Minors Detained in Adult Facilities” published by the Board of Corrections Facilities Standards and Operations Division dated May 2000. The Inspection Handbook addresses the minimum standards established by Title 15, Division 1, Chapter 1, Subchapter 4, of the California Code of Regulations (CCR) for minors who are detained in adult facilities. The Inspection Handbook is concerned with the safety and security of the juveniles and that “minors in the facility are treated in a safe and humane manner.” The JJC also researched other statewide JJC’s and found online that the Juvenile Justice Commission of San Diego County had developed a questionnaire based on the Board’s “Inspection Handbook for Minors Detained in Adult Facilities.” The Santa Clara County Juvenile Justice Commission has slightly modified and adopted this format because of the ease of use, thoroughness, uniformity, and flexibility to add more questions in the future should the need arise.

II. Juvenile Detention – Policy

When a juvenile falls under the provisions of WIC 602 and is arrested for a simple violation where community safety is not at risk—such as, a fight without weapons, public disturbance, or public intoxication—the youth may be detained at the local law enforcement facility, cited, and subsequently released to a parent or guardian with a written promise to appear in court.

Pursuant to WIC 207.1(d)(1) a youth may be taken into temporary custody by law enforcement on the basis that the youth falls under the definition of WIC 602 and may be at risk of “harm to self or others”. That youth may be held in temporary custody in order to investigate the case or make arrangements for release to a parent or guardian or for transportation to Juvenile Hall (WIC 207.1(d)(1)(A)). However, the youth cannot be detained in a law enforcement facility longer than six hours (WIC 207.1(d)(1)(B)).

Depending on the nature of the crime, juveniles are held in a secured or non-secured cell at the LEF. In a non-secured cell, the door is not locked and if unattended, the youth would be able to walk out of the cell. Juveniles are under constant observation by the arresting officer, the police officer on duty, or a trained Multi-Service Officer. In all the LEF’s that were inspected, law enforcement (LE) staff assured the Commissioners that precautions are taken to ensure minors are not exposed to adult prisoners whether held in secured or non-secured areas at the facility.

III. Methodology for the Inspection of Minors Detained in Adult Facilities:

Pursuant to WIC Section 207.1 (a), a minor may not be detained in a jail or lockup except under limited circumstances. A minor may be securely detained or in non-secure custody in a law enforcement facility that contains a lock-up for no more than six hours. The only extension to the six-hour maximum period of detention applicable to Santa Clara County is the temporary unavailability of transportation due to inclement weather, acts of God or natural disasters. The Board of Corrections alone can grant this extension on an individual, case-by-case basis (WIC 207.1(d)(1)(B) and (f)(1)(A)).

The BSCC has specific guidelines to ensure that law enforcement agencies follow “minimum jail standards” to afford minors the same protections as adults. Much of the BSCC Inspection Handbook focuses on the safety and well-being of juveniles while in temporary custody.

The BSCC also wants law enforcement agencies to make sure that juveniles understand the purpose of detention and “are provided with an orientation including the purpose of detention, length of stay and the six-hour time limit.” The BSCC is very clear that juveniles are:

1. To be separated from any contact with adult inmates at all times. In the LEF questionnaire, Commissioners were aware of this and took note of any discrepancies.
2. Under constant supervision and be provided with snacks, water, blankets, toilet facilities, and food.
3. Monitored every 30 minutes, with logs kept to reflect this.
4. Separated from juveniles of the opposite sex.
5. If intoxicated, handled according to written procedures developed by the detention facility.

The BSCC requires documentation regarding visual checks and the use of secure/non-secure detention logs, which list the offense, the reason for placing the minor in secure detention, as well as the length of time the juvenile was securely detained.

The BSCC allows the Juvenile Justice Commission to interview juveniles in custody during the inspection process; however, none were detained at the time when the Commissioners were making their inspections.

IV. Inspection Process

The Commission sent letters and emails to all the respective Chiefs of the Santa Clara County law enforcement agencies and inspections were conducted during January 2014. Eight Commissioners, in teams of two, inspected the LEFs. The Commission found the law enforcement agencies to be very informative, knowledgeable on policies and procedures, and professional. Depending on the demographics of the various cities, some may have more contact with juveniles, while others may have very little.

The JJC found that all the LEFs were following the BSCC Guidelines and had a Policy and Procedures Manual specifically designed for juveniles. Below are the findings for the LEA's inspected:

1. Campbell PD – The department did not have available the latest fire inspection report for review. No discrepancies were noted and the Policy and Procedures Manual for Juvenile Procedures (Policy 324) was given to the Commission.
2. Gilroy PD – No discrepancies were noted and the Policy and Procedures Manual for Juvenile Procedures (Policy 324) was given to the Commission.
3. Los Altos PD – No discrepancies were noted and the Policy and Procedures Manual for Juvenile Procedures (Policy 324) was given to the Commission.
4. Morgan Hill PD – No discrepancies were noted and the Policy and Procedures Manual for Juvenile Procedures (Policy 324) was given to the Commission.
5. Mountain View PD – The Commissioners noted that the signage in the holding area were instructions to department staff rather than providing information to the juvenile about the detention process WIC 207.1(d)(1)(C). In addition, the department did not have available the latest fire inspection report. No other discrepancies were noted and the Policy and Procedures Manual for Juvenile Procedures (Policy 324) was given to the Commission. The department also reported that one juvenile was held in secure detention over six hours.
6. Palo Alto PD – No discrepancies were noted and the Policy and Procedures Manual for Juvenile Procedures (Policy 324) was given to the Commission. The department reported that one juvenile was held in secure detention and four juveniles were held in non-secure detention over six hours.
7. Santa Clara PD – No discrepancies were noted and the Policy and Procedures Manual for Juvenile Procedures (Policy 324) was given to the Commission.
8. San Jose State University PD – The department did not have available the latest fire inspection report for review. No discrepancies were noted and the Policy and Procedures Manual for Juvenile Procedures (Policy 324) was given to the Commission

V. Commendations

The Commission found that all of the law enforcement agencies were clean, well organized, professional, and had policies relating to the detention of juveniles based on the Board of Corrections Facilities Standards and Operations Division. All the LEF staff hosting the JJC inspection committee were courteous, helpful, and forthcoming in their responses to Commissioners questions. The Commission would like to thank all the law enforcement agencies for their cooperation and support in completing these inspections. The Commissioners found the LEF were well organized in the processing of juveniles. For most agencies, the detention of minors is more troublesome and time consuming than adults because additional care and documentation is needed. Depending on the seriousness of the offense, most agencies prefer to release the juvenile as soon as possible to a parent or responsible adult or transfer the juvenile to Juvenile Hall for processing. Depending on the seriousness of the symptoms of intoxication or being under the influence of a drug, most of the law enforcement agencies will transfer the youth

to a hospital for immediate medical attention rather than hold them in detention. If the juvenile is in need of psychiatric care, they are transported immediately to a hospital.

VI. Recommendations

The Commission recommends:

1. LEF’s have readily available a copy of the most recent Fire Inspection Certification for review during future audit reviews.
2. The signage in the Mountain View PD juvenile holding area be simplified and changed to provide general information to the juvenile about his/her detention. Instructions to staff concerning the processing of a juvenile should be available in another written format.
3. LEF’s comply with WIC 207.1(d)(1)(B) which limits the temporary detention of a juvenile to six hours. Any extension beyond the six-hour limit must meet the exception as provided in subdivision (f) of WIC 207.1.

Commissioners gathered extensive documentation from the LEF agencies and the Commission is grateful for all their cooperation. The Commission noted that several LEF agencies have incorporated a 12-page document and policy entitled “Policy 324” which provides additional guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by law enforcement agencies. Policy 324 shares many of the BSCC concerns for the safety and well-being of the juvenile while being detained, but also details other specific polices and guidelines that LE agencies should follow based on the WIC and the CCR. For some of the law enforcement agencies, this may be an additional source of information to supplement their Policies and Procedures Manual regarding the care of detained juveniles.

VIII. Summary

Based on this inspection, the Santa Clara County Juvenile Justice Commission believes that all the Law Enforcement Facilities meet or exceed the requirements for assuring the safety and good care of juveniles while in their facilities based on the BSCC recommendations and guidelines and Title 15 requirements.

Approved by the Santa Clara County Juvenile Justice Commission on May 6, 2014

Penelope Blake, Chairperson

Date

Jean Pennypacker, Commissioner

Date